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**UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
EUGENE DIVISION**

UNITED STATES OF AMERICA

CR 05-60008-02-HO

v.

PIROUZ SEDAGHATY,

Defendant.

**GOVERNMENT'S FURTHER
RESPONSE TO REVISED SECOND
MOTION TO COMPEL THE
GOVERNMENT TO UTILIZE ITS
DIPLOMATIC RESOURCES ON
BEHALF OF MR. SEDAGHATY
AND/OR TO ISSUE LETTERS
ROGATORY**

I. Argument

At the February 16, 2010, hearing on the defendant's Revised Second Motion To Compel the Government To Utilize Its Diplomatic Resources on Behalf of Mr. Sedaghaty and/or To Issue Letters Rogatory, the Court indicated that it was considering issuing letters rogatory and

requested that the Government submit a proposed alternative letters rogatory to be considered by the Court. Attached as Exhibit "1" is the government's suggested alternative.

The Court will note that there have been some suggested changes to the text of the defendant's proposed letters rogatory (CR 247-2) which we submit better describes the state of the proceedings in this case, the allegations of the indictment, and the formal purpose of any letters rogatory. In addition, we have added further language concerning the need for a prompt response.

We also suggest major changes to the specific requests contained in the defendant's proposed letters rogatory. We have deleted defendant's Specific Requests 1-3 for the reasons stated on pages 6-10 of the Government's Response to Revised Second Motion To Compel the Government To Utilize Its Diplomatic Resources on Behalf of Mr. Sedaghaty and/or To Issue Letters Rogatory (CR 262), which is incorporated herein by reference. Those requests seek certification of inadmissible hearsay and untrustworthy records for the reasons previously stated and should not be the subject of letters rogatory.

We also modified the language concerning testimony from Mr. Al-Sanad to request a preliminary reading on his willingness to come testify or be deposed along the lines suggested by the court in *United States v. Jefferson*, 594 F. Supp. 2d 655 (E.D. Va. 2009), for the reasons stated at pages 10-12 of the Government's Response to Revised Second Motion To Compel the Government To Utilize Its Diplomatic Resources on Behalf of Mr. Sedaghaty and/or To Issue Letters Rogatory (CR 262). In the unlikely event that a positive response to the letters rogatory is received from the authorities in the Kingdom of Saudi Arabia before May 1, 2010, the Court and the parties could then determine how to proceed.

II. Conclusion

For the reasons previously set forth, the defendant's motion to compel the government to use its diplomatic resources for the benefit of defendant should be denied. The defense motion for the issuance of letters rogatory to certify exhibits should also be denied. The defense motion for letters rogatory to depose Al-Sanad should only be granted, if at all, for the limited purpose of inviting Al-Sanad to come to the United States to testify or to ascertain his willingness to testify or be deposed in this case. Should the Court issue any letters rogatory, defense counsel should be responsible for arranging for an Arabic translation of the document and presenting it to the Court for the Court's signature.

Dated this 23rd day of February 2010.

DWIGHT C. HOLTON
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